



positions as further stated herein and seek preclearance of such modification from the United States Department of Justice in time to effectuate such modification in the May 1998 election.

2. That the current order of election and terms of elected trustees shall remain unchanged.

3. That in each election where at-large positions are scheduled each qualified voter in the district shall be able to cast the relevant number of votes in each such election in a cumulative manner. More specifically, when the three at-large trustee positions are up then each voter shall have three votes to cast as he/she sees fit, including casting three votes for one candidate; two votes for one candidate and one vote for a second candidate; or, one vote each for three candidates. Regular voting shall be employed for the four (4) single-member districts on the years when those positions are up for elections.

4. That at each at-large election, the names of all properly qualified candidates will be placed on the ballot. The order in which the candidates are listed will be determined by drawing, in accordance with Section 52.094 of the Texas Election code. Beside each name will be placed a number of boxes equal to the number of positions to be filled. An example of such a ballot is attached hereto.

In years when three trustees are to be elected, the ballot instructions will State:

Cast one, two, or three votes by marking an "X" in one, two, or three boxes below. It is permitted to vote up to three times for one candidate, but mark only three "X"s in the boxes below.

The instructions will also appear in Spanish, as follows:

Vote uno, dos, o tres votos, marcando una "X" en uno, dos, o tres de los espacios indicados. Se permite votar hasta tres veces por el mismo candidato, pero marque solamente tres "X"s en los espacios indicados.

5. That all elections shall continue to be in compliance with the relevant provisions of the Texas Election Code and the Texas Education Code, except where those provisions conflict with the practical application of cumulative voting or court order.

6. That the polling locations for all single-member districts shall remain the same as the current polling locations. Specifically:

**Early voting:**

Howard County Court House  
100 block Main Street  
Big Spring, Texas

**Regular Voting:**

Big Spring High School Cafeteria  
707 11th Place  
Big Spring, Texas

7. That Defendants will devise and implement community education in order to inform the voters regarding the modifications to the trustee election system prior to the May 1998 election consisting of the following:

- a. that the district will conduct two public sessions wherein the district will provide bilingual instruction regarding cumulative voting;
- b. that the district will publish an election notice which describes the cumulative voting procedure in a newspaper with local circulation in both English and Spanish;

- c. that the district will request that an instructive article describing cumulative voting be published in a newspaper with local circulation in both English and Spanish;
- d. that the district will furnish written instructions describing cumulative voting in both English and Spanish at the District's central office and campus' offices; and
- e. that representatives of the district shall offer to meet with local civic and church groups to discuss cumulative voting with Spanish speaking translators available.

8. It is understood and agreed that this Agreement shall be binding upon and inure to the benefit of the parties, that this Agreement represents a compromise of a doubtful and disputed claim, and that nothing contained herein shall be construed as an admission of liability by or on behalf of Defendants, all such liability being expressly denied.

9. This election change is subject to preclearance with the Department of Justice pursuant to 42 U.S.C. § 1973.

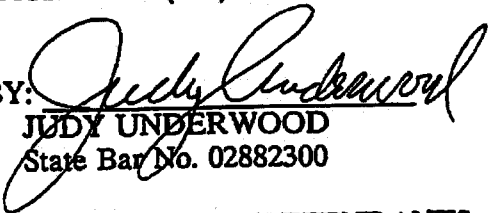
10. The issue of attorneys fees has been resolved to the satisfaction of both parties herein through a separate Agreed Settlement and Release.

Plaintiffs and Defendants, by and through their counsel of record, accept the terms set out herein as verified by the signatures of their counsel hereon.

IN WITNESS WHEREOF, the parties have executed this agreement on the 27<sup>th</sup> day of June, 1996.

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SCHULZE & ALDRIDGE, P.C.  
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Austin, Texas 78768  
TELEPHONE: (512) 454-6864  
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BY:

  
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BY:

  
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State Bar No. 16935900

ATTORNEY FOR PLAINTIFFS

**GENERAL ELECTION  
(ELECTION GENERAL)**

\_\_\_\_\_ INDEPENDENT SCHOOL DISTRICT  
\_\_\_\_\_, TEXAS

*(DISTRITO ESCOLAR INDEPENDIENTE DE LINEA DE CONDADO DE \_\_\_\_\_)*

[Month] \_\_\_\_\_, 199\_\_ (*\_\_\_\_\_ de [Month in Espanol] de 199\_\_*)

**SAMPLE BALLOT  
(Boleta de Muestra)**

**INSTRUCTION NOTE: (NOTA DE INSTRUCCION)**

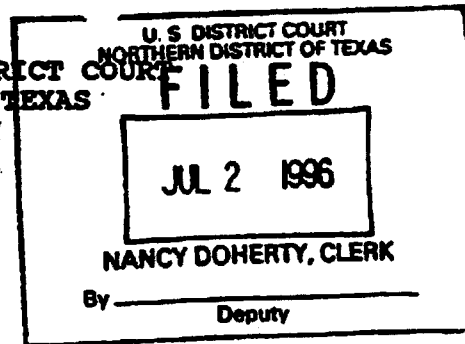
Cast one, two or three votes by marking an "X" in one, two, or three boxes below. It is permitted to vote up to three times for one candidate, but mark only three "X"s in the boxes below.

*Vote uno, dos, o tres votos, marcando una "X" en uno, dos, o tres de los espacios indicados. Se permite votar hasta tres veces por el mismo candidato, pero marque solamente tres "X"s en los espacios indicados.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Candidate E/ <i>Candidato E</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Candidate A/ <i>Candidato A</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Candidate D/ <i>Candidato D</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Candidate F/ <i>Candidato F</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Candidate C/ <i>Candidato C</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Candidate G/ <i>Candidato G</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Candidate B/ <i>Candidato B</i>

☐ ☐ ☐ \_\_\_\_\_ (Write-in/*Voto Escrito*)

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION



LEAGUE OF UNITED LATIN  
AMERICAN CITIZENS, STATEWIDE  
(LULAC), PAT DE ANDA,  
and GLORIA MENDEZ  
Plaintiffs

vs.

BIG SPRINGS INDEPENDENT  
SCHOOL DISTRICT, DAN WISE,  
PRES., LARRY McLELLAN, DON  
BAKER, IRENE BUSTEMANTE, LARRY  
HOLLAR, GLYNNA MOUTON and AL  
VALDES all in  
their official capacities as  
members of the Board of  
Trustees for the BIG SPRINGS  
INDEPENDENT SCHOOL DISTRICT,  
HOWARD COUNTY, TEXAS,  
Defendants.

CA NO. 1:96-CV-27-C

CONSENT DECREE

On the 2nd day of July, 1996, came on to be heard the agreements of the parties herein on all issues in this suit, as set out in the Agreed Settlement filed herein. After consideration of same and, conditioned upon the granting of preclearance by the United States Department of Justice of the proposed election changes, the Court approves said agreements and hereby

ORDERS that the cumulative election plan set out in the Agreed Settlement be implemented as follows:

1. That Defendants shall modify their current numbered, at-large election system for the election of school district trustees as further stated herein and seek preclearance of such modification

from the United States Department of Justice in time to effectuate such modification in the May 1998 election;

2. That trustee's terms shall be for three year terms and shall continue as set forth below, until changed by action of the Board of Trustees and precleared by the United States Department of Justice, if required;

3. That election of the three (3) School District trustee positions currently elected at-large with neither numbered positions nor majority vote requirement shall be by cumulative vote beginning with the 1998 election. The at-large, unnumbered positions and the remaining four (4) single-member districts will remain as presently established and the election cycle will continue as presently established:

1997          Single-member districts 2 and 4

1998          At-large

1999          Single-member districts 1 and 3

4. That thereafter, the pattern established above will continue, unless special circumstances require otherwise.

5. That in every election where three trustees are elected at-large, each qualified voter in the district shall be able to cast the relevant number of votes in each such election in a cumulative manner. More specifically, when the three trustee positions are up then each voter shall have three votes to cast as he/she sees fit, including casting three votes for one candidate, or two votes for one candidate and one vote for a second candidate, or one vote each for three candidates. Regular voting will



continue to be employed for the four (4) single-member districts on the years when those positions are up for election.

6. That Defendants will devise and implement community education in order to inform the voters regarding the modifications to the trustee election system prior to the May 1998 election consisting of the following:

- a. that the district will conduct two public sessions wherein the district will provide bilingual instruction regarding cumulative voting;
- b. that the district will publish an election notice which describes the cumulative voting procedure in a newspaper with local circulation in both English and Spanish;
- c. that the district will request that an instructive article describing cumulative voting be published in a newspaper with local circulation in both English and Spanish;
- d. that the district will furnish written instructions describing cumulative voting in both English and Spanish at the District's central office and campus' offices; and
- e. that representatives of the district shall offer to meet with local civic and church groups to discuss cumulative voting with Spanish speaking translators available.

7. That the polling locations for all single-member districts shall remain the same as the current polling locations. Specifically:

**Early voting:**

Howard County Court House  
100 block Main Street  
Big Spring, Texas

**Regular Voting:**

Big Spring High School Cafeteria  
707 11th Place  
Big Spring, Texas

8. That the implementation of the agreed election plan is subject to preclearance by the Department of Justice pursuant to 42 U.S.C. § 1973 and that no election under said plan can be held in the absence of said preclearance; and,

9. That all provisions of state law related to elections which are not contrary to the provisions set out herein shall apply.

SIGNED this 2nd day of July, 1996.

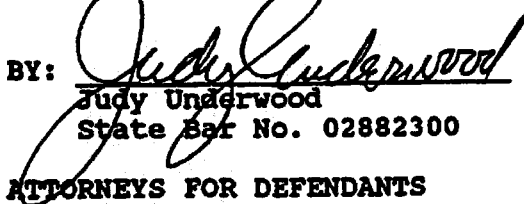


SAM R. CUMMINGS  
United States District Judge

APPROVED AS TO FORM AND CONTENT:

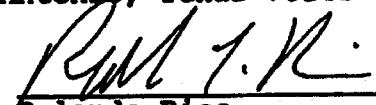
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